

**THE EFFECTIVE DATE OF THIS ORDINANCE IS FEBRUARY 25, 2003**

**ORDINANCE NO. 03-02-325**

**Re: To Amend the Frederick County Personnel Rules**

**PREAMBLE**

The Board of County Commissioners adopted personnel Rules for Frederick County on June 1, 1976, by Ordinance No. 76-8-68. The Personnel Rules have been amended several times since then by Ordinance.

The Board of County Commissioners held a duly advertised public hearing on the proposed changes to the Frederick County Personnel Rules on February 4, 2003. Public comment was received at this public meeting.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Frederick County Personnel Rules are hereby amended to read as shown on the attached Rules.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, that this Ordinance shall take effect on February 25, 2003, or after a copy of the Ordinance has been filed with the Clerk of the Court and a fair summary of the Ordinance has been published in at least one newspaper of general circulation, pursuant to Section 4(b) of Article 25 of the Annotated Code of Maryland, whichever shall last occur.

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**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

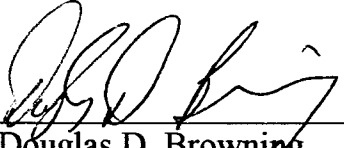
**[Brackets] indicate matter deleted from existing law.**

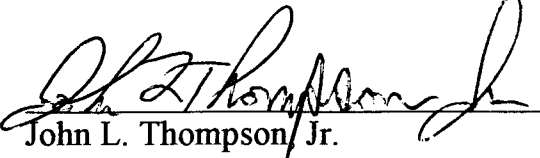
*PC: CAO, HOSE, GROSSMICKLE, FILE*

The undersigned hereby certifies that this Ordinance was approved and adopted on the 25th day of February, 2003.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

  
\_\_\_\_\_  
Douglas D. Browning  
County Manager

  
\_\_\_\_\_  
John L. Thompson, Jr.  
President

MJC 2/26/03

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**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**  
**[Brackets] indicate matter deleted from existing law.**

## **POLICY - SEXUAL HARASSMENT**

(As adopted by the Board of County Commissioners February 25, 2003)

Frederick County Government is committed to creating a workplace free from sexual harassment of any form. It is a violation of this policy for any County employee, Supervisor, Department Head, Division Director or Appointed/Elected official to harass an employee through conduct or communications of a sexual nature as defined below.

### **I. Definition of Sexual Harassment**

Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written, physical conduct, or material of a sexual nature by County employees, Supervisors, Department Heads, Division Directors or Appointed/Elected officials, when:

- submission to such conduct is either explicitly or implicitly a term or condition of employment.
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.
- such conduct or material that has the purpose or effect of substantially interfering with the individual's employment performance or creates an intimidating, hostile or offensive employment environment.

### **II. Terms**

Sexual harassment, as defined above, may include but is not limited to the following:

- Verbal harassment or abuse
- Pressure for sexual activity
  - Unwelcome, unwanted, unsolicited propositions
  - Demands for sexual advances and explicit sexual proposals
- Repeated communications to a person, with sexual or demeaning implications
  - Obscene or suggestive remarks, gestures, or jokes of a sexual nature, or about gender specific traits
- Unwelcome touching
  - Unwelcome and intentional physical behavior such as kissing, hugging, pinching, or brushing up against another individual
- Sending or displaying sexually explicit or suggestive material
  - Displaying or circulating photographs or other materials and objects that are sexually explicit or suggestive

- Sending or viewing jokes, pictures, or other information by email or the Internet that is sexually explicit or suggestive

### **III. Procedures**

#### **A. Reporting Sexual Harassment**

Complaints are to be reported immediately to any of the following at the employee's option: Supervisor, Department Head, Division Director, or any member of the Human Resource staff.

In the event the complaint involves a Division Director or appointed or elected official, the complaint may be made directly to the Human Resource Director, Assistant Human Resource Director, or the County Manager.

#### **B. Investigating Complaints**

All complaints will be investigated in an objective, confidential, and timely manner.

### **IV. Corrective Action**

If an investigation confirms that harassment has occurred, the County will promptly take corrective action. Disciplinary action up to and including discharge may be imposed.

### **V. Confidentiality and Retaliation**

The confidentiality rights of both the complainant and the accused will be respected consistent with the County's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

Retaliation of any kind against anyone who is involved in the investigation of or in the making an allegation of sexual harassment is prohibited and may result in disciplinary action against the retaliator.

### **VI. False or Malicious Reports**

Disciplinary action also may be imposed if the County determines that a false or malicious complaint was made under this policy.